

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32169 of 2024

Arising Out of PS. Case No.-629 Year-2023 Thana- SIMRI BAKHTIYARPUR District-
Saharsa

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Hakim Yadava @ Hakim Yadav Son of Rajeshwar Yadav Resident of Village -
Kathdumar Tola Izraha Ward No. 1, P.S. - Simri Bakhtiyarpur (Kanariya OP),
District - Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amarnath Jha, Adv.

For the Opposite Party/s : Mr.Madhura Nand Jha, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 26-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Simri
Bakhtiyarpur (Kanariya OP) P.S. Case No. 629 of 2023
instituted for the offences under Sections 341, 323, 324, 307,
504, 506, 34 of the Indian Penal Code and Section 27 of the
Arms Act.

3. As per prosecution case, the allegation against the
accused persons including the present petitioner is of assaulting
the Informant and his brother. It is alleged that the co-accused
Anil Yadav opened fire which hit at the abdomen of the
Informant.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. He submits that there is no specific or direct allegation of any overt act against the petitioner rather the same is general and omnibus. The specific allegation of opening fire is on co-accused Anil Yadav. The petitioner has two criminal antecedents and is languishing in judicial custody since 19.11.2023 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner stating that the petitioner is named in the F.I.R. and the injury report supports the prosecution case. From the impugned order, it appears that in Para-40, there is supervision note which shows the case true against the petitioner under Section 341, 323, 307, 504, 506, 34 of the Indian Penal Code and Section 27 of the Arms Act.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and there being general and omnibus allegation against the petitioner, let the petitioner, abovenamed, be released on bail on



furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Simri Bakhtiyarpur (Kanariya OP) P.S. Case No. 629 of 2023.

(Rudra Prakash Mishra, J)

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